

ORDINANCE NO. 808

AN ORDINANCE AMENDING TITLE 8 OF THE FIRESTONE MUNICIPAL CODE CONCERNING PORTABLE OUTDOOR FIREPLACES, PORTABLE OUTDOOR FIRE PITS, AND CHIMINEAS

WHEREAS, the Board of Trustees previously adopted Sections 8.12.020 and 8.16.030 of the Firestone Municipal Code prohibiting the burning of waste materials, weeds, and rubbish, but allowing the burning of untreated wood in fireplaces; and

WHEREAS, the Board of Trustees desires to amend Sections 8.12.020 and 8.16.030 to state that the prohibition against the burning of waste materials, weeds, and rubbish does not apply to the use of portable outdoor fireplaces, portable outdoor fire pits, and chimineas, subject to certain conditions and restrictions;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

Section 1. Section 8.12.020 of the Firestone Municipal Code is hereby amended to repeal and reenact Subsection E and to add a new Subsection F to read as follows:

8.12.020 Waste material – Removal required – Burning prohibited.

E. The prohibition set forth in Subsection D of this Section shall not apply to the burning in a portable outdoor fireplace, portable outdoor fire pit, or chiminea of clean dry untreated wood with a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, ceremonial, or cooking purposes, subject to the restrictions set forth in this Subsection E. Emissions from these devices that endanger the health, safety or comfort of the public are prohibited. The burning of leaves, grass, brush, branches, or trash in these devices is prohibited. Portable outdoor fireplaces, portable outdoor fire pits, and chimineas may be used at single family dwelling sites. The burning of untreated dry wood or wood pellets in permanent built-in fireplaces, wood burning stoves, or pellet stoves is permitted. Immediate extinguishment may be ordered by police or fire personnel when public health, safety, or comfort is endangered.

F. The prohibition set forth in Subsection D of this Section shall also not apply to the burning of operating irrigation ditches, but any person who intends to burn an operating irrigation ditch shall provide notice to the Fire District and receive the Fire District's authorization prior to burning. A copy of the Fire District's authorization shall be provided to the Town prior to the commencement of burning. Further, any person engaging in such burning shall comply with any applicable state laws and regulations concerning open burning, including but not limited to any requirement to obtain an open burning permit from the Colorado Department of Public Health and Environment. If such a permit is required, a copy of said permit shall be provided to the Town prior to the

commencement of burning.

Section 2. Section 8.16.030 of the Firestone Municipal Code is hereby amended to repeal and reenact Subsection C and to add a new Subsection D to read as follows:

8.16.030 Weeds – Duty to remove – Burning prohibited.

C. The prohibition set forth in Subsection B of this Section shall not apply to the burning in a portable outdoor fireplace, portable outdoor fire pit, or chiminea of clean dry untreated wood with a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, ceremonial, or cooking purposes, subject to the restrictions set forth in this Subsection C. Emissions from these devices that endanger the health, safety or comfort of the public are prohibited. The burning of leaves, grass, brush, branches, or trash in these devices is prohibited. Portable outdoor fireplaces, portable outdoor fire pits, and chimineas may be used at single family dwelling sites. The burning of untreated dry wood or wood pellets in permanent built-in fireplaces, wood burning stoves, or pellet stoves is permitted. Immediate extinguishment may be ordered by police or fire personnel when public health, safety, or comfort is endangered.

D. The prohibition set forth in Subsection B of this Section shall also not apply to the burning of operating irrigation ditches, but any person who intends to burn an operating irrigation ditch shall provide notice to the Fire District and receive the Fire District's authorization prior to burning. A copy of the Fire District's authorization shall be provided to the Town prior to the commencement of burning. Further, any person engaging in such burning shall comply with any applicable State laws and regulations concerning open burning, including but not limited to any requirement to obtain an open burning permit from the Colorado Department of Public Health and Environment. If such a permit is required, a copy of said permit shall be provided to the Town prior to the commencement of burning.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 5. Any person who violates any provision of this ordinance shall, upon conviction, be deemed to have committed a petty offense, and shall be punished by a fine of not less than two hundred dollars and not to exceed nine hundred ninety-nine dollars, for each separate violation. Such person may also be enjoined by the Town from any further or continued violation hereof. Imprisonment shall not be imposed as a penalty for any violation of this

ordinance. Each act or omission in violation of one or more of the provisions of this ordinance shall be deemed a separate violation for each and every day that such act(s) or omission(s) occur.

Section 6. The repeal or modification of any portion of the Firestone Municipal Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 26th day of September, 2012.



TOWN OF FIRESTONE, COLORADO

Chad Auer
Chad Auer, Mayor

ATTEST:

Rebecca Toberman
Rebecca Toberman, Town Clerk